

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 202000887	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/07/2020 1:47 PM	Location of Incident: Union Avenue and South 1 Street; 90th Precinct Stationhouse	Precinct: 90	18 Mo. SOL 7/7/2021	EO SOL 2/21/2022	
Date/Time CV Reported Thu, 01/16/2020 7:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/03/2020 11:12 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Sheppard	13816	945001	090 DET
2. POM Volkan Maden	14352	956863	090 PCT
3. POM Michael Crichlow	20395	960083	090 PCT
4. SGT Jared Delaney	02913	952653	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tyler Howe	14840	961822	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Sheppard	Abuse: Police Officer Stephen Sheppard stopped § 87(2)(b)	
B.POM Volkan Maden	Abuse: Police Officer Volkan Maden stopped § 87(2)(b)	
C.POM Stephen Sheppard	Abuse: Police Officer Stephen Sheppard searched § 87(2)(b)	
D.POM Stephen Sheppard	Discourtesy: Police Officer Stephen Sheppard spoke discourteously to § 87(2)(b)	
E.POM Stephen Sheppard	Discourtesy: Police Officer Stephen Sheppard spoke discourteously to § 87(2)(b)	
F.SGT Jared Delaney	Abuse: Sergeant Jared Delaney strip-searched § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On January 16, 2020, § 87(2)(b) filed the following complaint with IAB via telephone on behalf of her son, § 87(2)(b) did not witness the incident. The complaint was received at the CCRB on February 3, 2020.

On January 7, 2020, at approximately 1:47p.m., PO Stephen Sheppard and PO Volkan Maden, from the 90th Precinct, attempted to stop § 87(2)(b) on the corner of Union Avenue and South 1st Street in Brooklyn (**Allegations A and B – Abuse of Authority:** § 87(2)(g) § 87(2)(b)). § 87(2)(b) ran and was caught by PO Maden. PO Sheppard searched § 87(2)(b) and found Suboxone wrapped in saran wrap (**Allegation C – Abuse of Authority:** § 87(2)(g)). While searching § 87(2)(b), PO Sheppard cursed at § 87(2)(b) by saying, “don’t fuck with me” and told him he was doing “dumb shit” (**Allegations D and E – Discourtesy:** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was taken to the 90th Precinct stationhouse where Sgt. Jared Delaney authorized a strip-search (**Allegation F – Abuse of Authority:** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was arrested for § 87(2)(b).

§ 87(4-b) § 87(2)(g)

There are three Body-Worn Camera (BWC) videos associated with this case. Two belong to PO Sheppard (Board Reviews 01, 02) and one belongs to PO Maden (Board Review 03).

Stationhouse footage exists for this case and depicts § 87(2)(b) entering and exiting a room in the holding cells for the strip-search (Board Review 19).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Stephen Sheppard stopped § 87(2)(b)
Allegation (B) Abuse of Authority: Police Officer Volkan Maden stopped § 87(2)(b)
Allegation (C) Abuse of Authority: Police Officer Stephen Sheppard searched § 87(2)(b)
On January 7, 2020, at approximately 1:47p.m., § 87(2)(b) walked from his mother’s house located at § 87(2)(b) in Brooklyn to his aunt’s house located at § 87(2)(b). He did not interact with anybody along the way and there were no other civilians around him. § 87(2)(b) had five strips of Suboxone that he brought from home, wrapped in saran wrap, inside of his right pants pocket. § 87(2)(b) had a prescription for the Suboxone strips, which were used for a treatment that he did not want to disclose. § 87(2)(b) did not provide any additional details regarding his walk to his mother’s house. On the corner of Union Avenue and South 1st Street, an unmarked black Impala drove up to the curb next to him. § 87(2)(b) stated that an officer sat in the front passenger’s seat of the police vehicle and called out to § 87(2)(b). The investigation determined the officer to be PO Sheppard. PO Sheppard asked § 87(2)(b) to approach the vehicle. § 87(2)(b) walked to the passenger door and both officers exited. PO Maden asked § 87(2)(b) if he had anything in his pockets. § 87(2)(b) stated that he had Suboxone pills with a prescription. § 87(2)(b) did not say if any officer asked him about the prescription or if he had it on him. PO Maden placed § 87(2)(b) in handcuffs and placed him in the back of their vehicle. He did not state whether he was searched (Board Review 03).

PO Sheppard stated that he drove along Union Avenue with PO Maden in the passenger seat and saw § 87(2)(b) from approximately one car length away and on PO Sheppard’s side of the car, interacting with another individual on the street. § 87(2)(b) had a cigarette box in his hand, and he removed a white glassine envelope from the cigarette box. PO Sheppard saw them engage in a hand-to-hand transaction. Based on his experience and training, PO Sheppard believed the glassine

envelope contained heroin. PO Sheppard was familiar with § 87(2)(b) from past arrests § 87(2)(e)

§ 87(2)(b) Additionally, PO Sheppard knew that § 87(2)(b) had an open parole warrant. PO Sheppard stated that there were no methadone clinics in the area. PO Sheppard stated that he has stopped § 87(2)(b) multiple times before and found methadone on him but was unsure if § 87(2)(b) went to methadone clinics. PO Sheppard called out § 87(2)(b)'s name from his vehicle. As soon as § 87(2)(b) saw and heard PO Sheppard, he took off running, shoved his hand down his pants via his waistband, and threw the cigarette box. The other individual drove off on an e-bike. PO Maden exited the vehicle and chased § 87(2)(b) on foot while PO Sheppard drove after the second individual. PO Sheppard was unable to catch the second individual and returned to the original area and found PO Maden with § 87(2)(b) who was in handcuffs. PO Sheppard searched § 87(2)(b) and found Suboxone in where he believed was the small coin pocket of his pants (Board Review 04).

§ 87(2)(g) PO Maden stated that PO Sheppard communicated to him that § 87(2)(b) engaged in a hand-to-hand transaction. When PO Maden looked, all he saw was § 87(2)(b) hand a small object, that he could not describe, to another individual that then fled the scene. PO Maden did not mention seeing § 87(2)(b) place anything into his waistband (Board Review 05).

Property Voucher § 87(2)(b) prepared by PO Sheppard notes that Suboxone inside of saran wrap was recovered from § 87(2)(b) (Board Review 07).

§ 87(2)(b)'s arrest report notes that PO Sheppard observed § 87(2)(b) in possession of a quantity of alleged heroin and fled when PO Sheppard attempted to stop him and tossed the alleged heroin to the ground. The heroin was not recovered, but a quantity of a controlled substance was found during a search incident to lawful arrest. § 87(2)(b) also had an active NYS Parole Warrant (Board Review 08).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) The Kings County District Attorney's office could not locate a Criminal Court Complaint, or anything related to § 87(2)(b) on file (Board Review 26).

At 00:28, of PO Sheppard's first BWC video, he approaches PO Maden with § 87(2)(b) § 87(2)(b) is standing and bent over at the waist but is not handcuffed. PO Sheppard says, § 87(2)(b) "stand up" and then visibly searches his outside and inside jacket pockets, and front and rear jeans pockets, including the coin pocket. PO Sheppard searches from approximately 00:30 – 03:00 and due to the angle of the BWC, it is not clear if additional areas were frisked and/or searched. At 00:54 he asks PO Maden, "Did you see where he threw the fucking cigarette box?" § 87(2)(b) then says, "I ain't have no cigarette box." PO Sheppard does not ask § 87(2)(b) about or accuse him of putting his hand into pants. PO Maden asks, "Do we call the sergeant? What do we got?" PO Sheppard replied, "Yeah. CPCS." At 01:10, PO Sheppard pulls a quarter sized white substance wrapped in clear saran wrap out of § 87(2)(b)'s right front pants pocket. He tells PO Sheppard that it is Suboxone and is his medication. He does not say anything about having a prescription. At 02:54, PO Sheppard tells PO Maden to take a walk back and try to find where § 87(2)(b) threw the cigarette box. PO Maden replies, "I think the other guy had it." At 05:10, PO Maden asks, "Coke or something?" and PO Sheppard replies, "Suboxone. But he's got a parole warrant anyway." Prior to this point, PO Sheppard called § 87(2)(b) § 87(2)(b) but did not ask for his date of birth, last name, look anything up on his phone, or make any phone or radio calls giving § 87(2)(b)'s information (Board Review 01).

At 00:26 of PO Maden’s BWC video, he opens the vehicle door and runs down the block back in the direction from which their car came. He crosses the street and turns right. § 87(2)(b) comes into view when PO Maden turns the corner, but it is unclear whether he is running. § 87(2)(b) is right next to another person who is on the sidewalk on a motorized scooter (Board Review 30 for screenshot). PO Maden catches up to § 87(2)(b) and at 00:38 but the person on the scooter is approximately 100 feet further ahead (Board Review 31 for screenshot). PO Maden states at 00:45, “Don’t throw anything; What are you selling?” § 87(2)(b) replies, “I got nothing; I’m not selling nothing, bro.” PO Maden states, “Don’t run. I’ll catch you again.” At 01:40, PO Sheppard arrives, and PO Maden asks, “The other guy got away?” and PO Sheppard responds, “Yeah, I lost him.” At 08:52 PO Maden speaks to an unknown officer off camera that arrives in a separate vehicle and says, “I think they were doing a hand-to-hand. I ran after him right here and Sheppard went after the guy on the scooter, but he lost him” (Board Review 03).

People v. DeBour, 40. N.Y.2d 210 (1976) states that officers may stop a person if reasonable suspicion exists that the person has committed, is committing, or is about to commit a crime (Board Review 21).

People v Jones, 155 A.D.3d 1547 states that, although flight alone is insufficient to justify pursuit, defendant's flight in response to an approach by the police, combined with other specific circumstances indicating that the suspect may be engaged in criminal activity, may give rise to reasonable suspicion, the necessary predicate for police pursuit (Board Review 27).

Per People v. Reid, 24 N.Y.3d 615, officers may search incident to lawful arrest when they have already made an arrest or the arrest was imminent (Board Review 32).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (D) Discourtesy: Police Officer Stephen Sheppard spoke discourteously to § 87(2)(b)

Allegation (E) Discourtesy: Police Officer Stephen Sheppard spoke discourteously to § 87(2)(b)

§ 87(2)(b) did not allege any discourtesy during his interview, but the comments were captured on PO Sheppard's BWC video.

At 00:45 of PO Sheppard's BWC video, he searches § 87(2)(b)'s jacket pockets. PO Sheppard asked § 87(2)(b) at 00:58, "Where did you throw that cigarette box?" § 87(2)(b) stated, "I ain't have no cigarette box." PO Sheppard replied, "Dude, don't fuck with me." § 87(2)(b) did not reply, and PO Sheppard continued his search. After the search was complete, PO Sheppard stated to § 87(2)(b) at 02:28, "All those years I treated you with respect and you do some dumb shit like that. Right? Out here selling drugs" (Board Review 01).

During his CCRB interview, PO Sheppard did not recall cursing at § 87(2)(b) when he spoke with him on the street. He did not recall saying, "Don't fuck with me" or telling § 87(2)(b) that he was doing "dumb shit." PO Sheppard stated that he has known § 87(2)(b) for 10 years and they speak to each other familiarly. He stated that § 87(2)(b) curses at him when he speaks and PO Sheppard curses at § 87(2)(b) when he speaks. PO Sheppard stated that he treats § 87(2)(b) the same way he would treat any one of his co-workers and that any cursing between the two of them is never meant to be disrespectful (Board Review 05).

Patrol Guide Procedure 200-02 states that part of the core values of the New York City Police Department is to value human life, respect the dignity of each individual and render [their] services with courtesy and civility. Additionally, NYPD officers are to maintain a higher standard of integrity than is generally expected of others (Board Review 09).

§ 87(2)(g)
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Allegation (F) Abuse of Authority: Sergeant Jared Delaney strip-searched § 87(2)(b)

It is undisputed that § 87(2)(b) was strip-searched.

§ 87(2)(b) stated that officers transported him to the 90th Precinct stationhouse and brought him directly to a bathroom in the holding cell area. PO Sheppard and PO Crichlow told § 87(2)(b) to remove his clothes. § 87(2)(b) removed all his clothes until he was completely naked, and PO Sheppard instructed him to squat and cough. He then put his clothes back on and was placed into a holding cell (Board Review 04).

Sgt. Delaney, who was the Anti-Crime supervisor at the time, responded to a call over the radio that PO Maden and PO Sheppard had someone under arrest for drugs. Sgt. Delaney did not recall any conversation between himself and either officer on scene. He did not recall any information relayed

to him by either officer. Sgt. Delaney recalled authorizing a strip-search of § 87(2)(b) but did not recall what information he had when he authorized it. He was not present for the strip-search (Board Review 10).

During his interview, PO Sheppard did not describe the areas that he frisked or searched other than stating that he found suboxone in § 87(2)(b)'s coin pocket in his jeans. PO Sheppard recalled that when Sgt. Delaney responded to the scene, he informed Sgt. Delaney that he saw § 87(2)(b) shove something into his pants. § 87(2)(b) was taken to the stationhouse and strip searched. Though PO Sheppard was present for the search, he did not personally conduct the strip search and did not recall who did. Sgt. Delaney authorized a strip-search of § 87(2)(b) but PO Sheppard did not ask Sgt. Delaney for the authorization. He did not know who asked Sgt. Delaney about strip searching § 87(2)(b). PO Sheppard stated that § 87(2)(b) is known to the entire precinct for hiding drugs in his underwear and although he did not recall informing Sgt. Delaney about § 87(2)(b)'s history, surmised that an officer likely conveyed § 87(2)(b)'s history of secreting narcotics in his underwear to Sgt. Delaney. PO Sheppard said that normally a strip-search would be necessary if an officer feels a hard object or contraband underneath an individual's clothing and it could not otherwise be recovered in a normal search. PO Sheppard stated that at that point he would advise a supervisor of his finding and let them make the decision on a strip search.

PO Michael Crichlow, who transported § 87(2)(b) to the 90th Precinct Stationhouse, had no recollection of this incident. He did not record his transport of § 87(2)(b) on his BWC (Board Review 05).

PO Maden did not know if § 87(2)(b) was strip-searched or if anyone authorized a strip-search. PO Maden stated that normally a strip-search would be authorized if the individual was believed to be concealing drugs somewhere on their body. He stated that a common spot to hide drugs is between the butt cheeks and in the underwear. A good indicator is if the individual clenches his butt, moves or wiggles around as he is being patted down. Then a sergeant would be told of these actions and the sergeant would determine if a strip search is necessary. PO Maden did not personally see if § 87(2)(b) exhibited any of those behaviors as PO Sheppard was the one that dealt with him. PO Maden did not receive any information at a later time regarding whether § 87(2)(b) made any such movements (Board Review 06).

§ 87(2)(g)

PO Sheppard's first BWC ends when PO Crichlow and Sgt. Delaney arrive on scene and § 87(2)(b) is already in handcuffs and does not capture any conversation between PO Sheppard and Sgt. Delaney (Board Review 01). PO Sheppard's second BWC video begins when he arrives at the 90th Precinct Stationhouse and § 87(2)(b) is already at the desk with PO Crichlow. He walks into the cell area with PO Crichlow and § 87(2)(b) and turns off his BWC (Board Review 02). Therefore, no conversation is captured between him and Sgt. Delaney.

Sgt. Delaney's memo book documents that an arrest was made by PO Sheppard but does not note a strip-search was conducted (Board Review 11).

The 90th Precinct Command Log for this date notes next to § 87(2)(b)'s arrest that a strip-search was conducted with negative results. § 87(2)(b)'s arrest report also notes that a strip-search was conducted (Board Review 12).

§ 87(2)(b)

§ 87(2)(b)

Sgt. Delaney admitted to authorizing the strip-search of § 87(2)(b) but could not recall what information was communicated to him in order for him to make that decision. PO Sheppard recalled telling Sgt. Delaney that § 87(2)(b) had shoved something into his pants but stated that he did not ask him for the authorization to conduct a strip-search. § 87(2)(g), § 87(2)(b)

PO Crichlow, who transported § 87(2)(b) did not recall the incident and PO Maden did not make any observations that would have necessitated a strip search and did not recall a strip-search occurring. PO Sheppard turned off his BWC when Sgt. Delaney arrived, and neither Sgt. Delaney nor PO Crichlow recorded anything on BWC so no conversation that led to Sgt. Delaney's authorization and the authorization of the strip search was found.

According to Patrol Guide Procedure 208-05, A strip search may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor or the borough Court Section supervisor. A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that may not be discovered by the previous search methods. The arresting officer requesting the authorization to conduct a strip search must describe the factual basis for the request to the officer's immediate supervisor. A supervisor will then authorize a strip search only when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon (Board Review 20).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 14).
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 15).
- PO Sheppard has been a member of service for 13 years and has been a subject in 15 CCRB complaints and 34 allegations, of which six were substantiated.
 - 200804416 involved substantiated allegations of Question against PO Sheppard. The Board recommended Instructions and the NYPD imposed no discipline.
 - 201402388 involved substantiated allegations of fisk, search of person and a stop against PO Sheppard. The Board recommended Command Discipline B and the NYPD concurred.
 - 201901603 involved substantiated allegations of Refusal to Provide Shield Number against PO Sheppard. The Board recommended Instructions and the NYPD concurred.
 - 201909656 involved substantiated allegations of a strip-search against PO Sheppard. The Board recommended Charges and the NYPD has not yet imposed discipline.
 - § 87(2)(g) [REDACTED].
- PO Maden has been a member of service for six years and has been a subject in 11 CCRB complaints and 38 allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- Sgt. Delaney has been a member of service for eight years and has been a subject in six CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- PO Crichlow has been a member of service for five years and has been a subject in five prior CCRB complaints and 15 allegations, of which one was substantiated.
 - 201906121 involved a substantiated allegation of failure to provide RTKA card. The board recommended instructions and the NYPD concurred.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad No.: 1

Investigator: SI Harold Rodriguez _____ 7/27/21
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 12.6.21
Signature Print Title & Name Date

Reviewer: _____ _____ _____
Signature Print Title & Name Date